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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
RENO DIVISION**

**UNWIRED PLANET LLC, a Nevada limited
liability company,**

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,

Defendant.

CIVIL ACTION NO.

3:12-cv-504-LRH-VPC

**PLAINTIFF'S REPLY TO
GOOGLE INC.'S ANSWER
AND COUNTERCLAIMS**

(JURY DEMAND)

1 Plaintiff Unwired Planet LLC (“Unwired Planet” and/or “Plaintiff”) respectfully replies to
2 the defenses and counterclaims set forth in Defendant Google Inc.’s (“Google”) Answer and
3 Counterclaims (Dkt. 28, hereinafter “Answer and Counterclaims”).

4 **AFFIRMATIVE AND OTHER DEFENSES**

5 The introductory paragraph to the “AFFIRMATIVE AND OTHER DEFENSES” section
6 of Google’s Answer and Counterclaims does not contain a statement which warrants an
7 affirmance or denial. To the extent any response is warranted, Unwired Planet responds as
8 follows: denied.

9 **DEFENSE NO. 1: INVALIDITY**

10 1. Unwired Planet denies the allegations in paragraph 1 of Google’s Answer and
11 Counterclaims.

12 **DEFENSE NO. 2: NONFRINGEMENT**

13 2. Unwired Planet denies the allegations in paragraph 2 of Google’s Answer and
14 Counterclaims.

15 3. Unwired Planet denies the allegations in paragraph 3 of Google’s Answer and
16 Counterclaims.

17 **DEFENSE NO. 3: LICENSE**

18 4. Unwired Planet denies the allegations in paragraph 4 of Google’s Answer and
19 Counterclaims.

20 **DEFENSE NO. 4: LACHES**

21 5. Unwired Planet denies the allegations in paragraph 5 of Google’s Answer and
22 Counterclaims.

23 **DEFENSE NO. 5: ADEQUATE REMEDY AT LAW**

24 6. Unwired Planet denies the allegations in paragraph 6 of Google’s Answer and
25 Counterclaims.

26 **DEFENSE NO. 6: LIMITATION ON DAMAGES**

27 7. Unwired Planet denies the allegations in paragraph 7 of Google’s Answer and
28 Counterclaims.

DEFENSE NO. 7: NO COSTS

8. Unwired Planet denies the allegations in paragraph 8 of Google's Answer and Counterclaims.

DEFENSE NO. 8: NO EXCEPTIONAL CASE

9. Unwired Planet denies the allegations in paragraph 9 of Google's Answer and Counterclaims.

DEFENSE NO. 9: FORUM NON CONVENIENS

10. Unwired Planet denies the allegations in paragraph 10 of Google's Answer and Counterclaims.

COUNTERCLAIMS

The introductory paragraph to the "COUNTERCLAIMS" section of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet responds as follows: denied.

JURISDICTION AND VENUE

1. Unwired Planet admits the allegations in paragraph 1 of Google's Answer and Counterclaims.

2. Unwired Planet admits the allegations in paragraph 2 of Google's Answer and Counterclaims.

3. Unwired Planet admits the allegations in paragraph 3 of Google's Answer and Counterclaims.

THE PARTIES

4. Unwired Planet admits the allegations in paragraph 4 of Google's Answer and Counterclaims.

5. Unwired Planet admits the allegations in paragraph 5 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 1

Declaration of Invalidity of U.S. Patent No. 6,292,657

6. Paragraph 6 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 6 of Google's Answer and Counterclaims.

7. Unwired Planet denies the allegations in paragraph 7 of Google's Answer and Counterclaims.

8. Unwired Planet denies the allegations in paragraph 8 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 2

Declaration of Noninfringement of U.S. Patent No. 6,292,657

9. Paragraph 9 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 9 of Google's Answer and Counterclaims.

10. Unwired Planet denies the allegations in paragraph 10 of Google's Answer and Counterclaims.

11. Unwired Planet denies the allegations in paragraph 11 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 3

Declaration of Invalidity of U.S. Patent No. 6,654,786

12. Paragraph 12 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 12 of Google's Answer and Counterclaims.

13. Unwired Planet denies the allegations in paragraph 13 of Google's Answer and Counterclaims.

14. Unwired Planet denies the allegations in paragraph 14 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 4

Declaration of Noninfringement of U.S. Patent No. 6,654,786

15. Paragraph 15 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 15 of Google's Answer and Counterclaims.

16. Unwired Planet denies the allegations in paragraph 16 of Google's Answer and Counterclaims.

17. Unwired Planet denies the allegations in paragraph 17 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 5

Declaration of Invalidity of U.S. Patent No. 6,662,016

18. Paragraph 18 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 18 of Google's Answer and Counterclaims.

19. Unwired Planet denies the allegations in paragraph 19 of Google's Answer and Counterclaims.

20. Unwired Planet denies the allegations in paragraph 20 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 6

Declaration of Noninfringement of U.S. Patent No. 6,662,016

21. Paragraph 21 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 21 of Google's Answer and Counterclaims.

22. Unwired Planet denies the allegations in paragraph 22 of Google's Answer and Counterclaims.

23. Unwired Planet denies the allegations in paragraph 23 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 7

Declaration of Invalidity of U.S. Patent No. 6,684,087

24. Paragraph 24 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 24 of Google's Answer and Counterclaims.

25. Unwired Planet denies the allegations in paragraph 25 of Google's Answer and Counterclaims.

26. Unwired Planet denies the allegations in paragraph 26 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 8

Declaration of Noninfringement of U.S. Patent No. 6,684,087

27. Paragraph 27 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 27 of Google's Answer and Counterclaims.

28. Unwired Planet denies the allegations in paragraph 28 of Google's Answer and Counterclaims.

29. Unwired Planet denies the allegations in paragraph 29 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 9

Declaration of Invalidity of U.S. Patent No. 6,895,240

30. Paragraph 30 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 30 of Google's Answer and Counterclaims.

31. Unwired Planet denies the allegations in paragraph 31 of Google's Answer and Counterclaims.

32. Unwired Planet denies the allegations in paragraph 32 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 10

Declaration of Noninfringement of U.S. Patent No. 6,895,240

33. Paragraph 33 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 33 of Google's Answer and Counterclaims.

34. Unwired Planet denies the allegations in paragraph 34 of Google's Answer and Counterclaims.

35. Unwired Planet denies the allegations in paragraph 35 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 11

Declaration of Invalidity of U.S. Patent No. 6,944,760

36. Paragraph 36 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 36 of Google's Answer and Counterclaims.

37. Unwired Planet denies the allegations in paragraph 37 of Google's Answer and Counterclaims.

38. Unwired Planet denies the allegations in paragraph 38 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 12

Declaration of Noninfringement of U.S. Patent No. 6,944,760

39. Paragraph 39 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 39 of Google's Answer and Counterclaims.

40. Unwired Planet denies the allegations in paragraph 40 of Google's Answer and Counterclaims.

41. Unwired Planet denies the allegations in paragraph 41 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 13

Declaration of Invalidity of U.S. Patent No. 7,024,205

42. Paragraph 42 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 42 of Google's Answer and Counterclaims.

43. Unwired Planet denies the allegations in paragraph 43 of Google's Answer and Counterclaims.

44. Unwired Planet denies the allegations in paragraph 44 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 14

Declaration of Noninfringement of U.S. Patent No. 7,024,205

45. Paragraph 45 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 45 of Google's Answer and Counterclaims.

46. Unwired Planet denies the allegations in paragraph 46 of Google's Answer and Counterclaims.

47. Unwired Planet denies the allegations in paragraph 47 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 15

Declaration of Invalidity of U.S. Patent No. 7,035,647

48. Paragraph 48 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 48 of Google's Answer and Counterclaims.

49. Unwired Planet denies the allegations in paragraph 49 of Google's Answer and Counterclaims.

50. Unwired Planet denies the allegations in paragraph 50 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 16

Declaration of Noninfringement of U.S. Patent No. 7,035,647

51. Paragraph 51 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 51 of Google's Answer and Counterclaims.

52. Unwired Planet denies the allegations in paragraph 52 of Google's Answer and Counterclaims.

53. Unwired Planet denies the allegations in paragraph 53 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 17

Declaration of Invalidity of U.S. Patent No. 7,203,752

54. Paragraph 54 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 54 of Google's Answer and Counterclaims.

55. Unwired Planet denies the allegations in paragraph 55 of Google's Answer and Counterclaims.

56. Unwired Planet denies the allegations in paragraph 56 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 18

Declaration of Noninfringement of U.S. Patent No. 7,203,752

57. Paragraph 57 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 57 of Google's Answer and Counterclaims.

58. Unwired Planet denies the allegations in paragraph 58 of Google's Answer and Counterclaims.

59. Unwired Planet denies the allegations in paragraph 59 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 19

Declaration of Invalidity of U.S. Patent No. 7,463,151

60. Paragraph 60 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 60 of Google's Answer and Counterclaims.

61. Unwired Planet denies the allegations in paragraph 61 of Google's Answer and Counterclaims.

62. Unwired Planet denies the allegations in paragraph 62 of Google's Answer and Counterclaims.

COUNTERCLAIM NO. 20

Declaration of Noninfringement of U.S. Patent No. 7,463,151

63. Paragraph 63 of Google's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 63 of Google's Answer and Counterclaims.

64. Unwired Planet denies the allegations in paragraph 64 of Google's Answer and Counterclaims.

65. Unwired Planet denies the allegations in paragraph 65 of Google's Answer and Counterclaims.

GOOGLE'S DEMAND FOR JURY TRIAL

Google's "DEMAND FOR JURY TRIAL" does not contain a statement which warrants an affirmance or denial.

GOOGLE'S PRAYER FOR RELIEF

Unwired Planet denies that Google is entitled to the relief requested in paragraphs A-H of Google's Answer and Counterclaims or any other relief on Google's Answer and Counterclaims.

UNWIRED PLANET'S PRAYER FOR RELIEF

WHEREFORE, Unwired Planet prays for the following relief against Google:

A. that all relief requested by Unwired Planet in its Complaint be granted;

B. that all relief requested by Google in its Answer and Counterclaims be denied and

1 that Google take nothing by way of its Answer and Counterclaims;

2 C. that Google be ordered to pay the costs of this action (including all disbursements)
3 and attorneys fees as provided by 35 U.S.C. § 285 and all other applicable statutes, rules, and
4 common law; and

5 D. such other and further relief as the Court deems just and equitable.

6 **DEMAND FOR JURY TRIAL**

7 Unwired Planet hereby demands a trial by jury for all issues so triable.

8 Dated: December 21, 2012

Respectfully submitted,

9
10 /s/ Michael D. Rounds

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**ATTORNEYS FOR PLAINTIFF
UNWIRED PLANET LLC.**

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date a true and correct copy of the foregoing document, **PLAINTIFF'S REPLY TO GOOGLE INC.'S ANSWER AND COUNTERCLAIMS**, will be served upon counsel of record via electronic mail through the United States District Court's CM/ECF system.

DATED December 21, 2012

/s/ Marilyn Marsh
An Employee of Watson Rounds